

AN ORDINANCE approving WATER CONTRACT #9210, GOSHEN ROAD AND NORTHBROOK SUBDIVISION, LOTS 1-28 INCLUSIVE between NORTHBROOK DEVELOPMENT, CONTRIBUTOR; AND BROOKS CONSTRUCTION CO., INC., CONTRACTOR and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

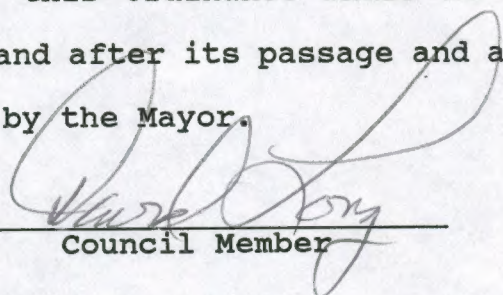
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That CONTRACT 9210, GOSHEN ROAD AND NORTHBOOK SUBDIVISION, LOTS 1-28 INCLUSIVE by and between NORTHBROOK DEVELOPMENT, INC., CONTRIBUTOR; AND BROOKS CONSTRUCTION CO., INC., CONTRACTOR and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, for:

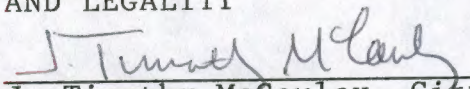
to serve Goshen Road and Northbrook Subdivision, Lots 1-28 as follows: On goshen Road from Merchant Road northwesterly to Downey Avenue; also on Goshen Road from Downey Avenue northwesterly 110±L.F.; also on Downey Avenue from Goshen Road westerly to Merlin Drive; also on Merlin Drive from Downey Avenue southerly to Finch Circle; also on Merlin Drive from Finch Circle southerly 110±L.F.; also on Finch Circle from Merlin Drive easterly and northerly to Downey Avenue. Said water line to include: 2625±L.F. of 12", 225±L.F. of 8" and 1,530± of 6" ductile iron water main;

the contract price is Twenty-Six Thousand Thirty-Four and no/100 Dollars (\$26,034.00) all as more particularly set forth in said Contract, which is on file in the Office of the Board of Public Works and, is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Resolution are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



WATER CONTRACT NO. 9210

BOARD ORDER NO. 67-92

WORK ORDER NO. 64326

THIS AGREEMENT, made and entered into this 26 day of AUGUST, 1992, by and between NORTHBROOK DEVELOPMENT, INC. hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the CITY OF FORT WAYNE, Indiana, by and through the MAYOR and the BOARD OF PUBLIC WORKS, of said City, hereinafter called UTILITY, WITNESSETH:

That the said CONTRIBUTOR and the said UTILITY for the consideration hereinafter named, agree as follows:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water main systems, including all necessary fittings to serve GOSHEN ROAD AND NORTHBROOK SUBDIVISION, LOTS 1 - 28 INCLUSIVE as follows:

ON GOSHEN ROAD FROM MERCHANT ROAD NORTHWESTERLY TO DOWNEY AVENUE; ALSO ON GOSHEN ROAD FROM DOWNEY AVENUE NORTHWESTERLY 110± L.F.; ALSO ON DOWNEY AVENUE FROM GOSHEN ROAD WESTERLY TO MERLIN DRIVE; ALSO ON MERLIN DRIVE FROM DOWNEY AVENUE SOUTHERLY TO FINCH CIRCLE; ALSO ON MERLIN DRIVE FROM FINCH CIRCLE SOUTHERLY 110± L.F.; ALSO ON FINCH CIRCLE FROM MERLIN DRIVE EASTERLY AND NORTHERLY TO DOWNEY AVENUE.

Said water line to include: 2625± L.F. of 12", 225± L.F. of 8" and 1,530± L.F. of 6" ductile iron water main.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the UTILITY or approved by the UTILITY, which are on file in the office of the Engineering Department of the UTILITY, and by reference made a part hereof; and the said UTILITY shall furnish water through said system, when complete, in accordance with rules and regulations of said UTILITY and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water through any part of parts of the water main covered hereunder, unless and until the entire system shall have been tested, disinfected, and placed in-service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this contract, that the CONTRIBUTOR shall furnish all materials, contractual labor and equipment for the construction of said water main system through BROOKS CONSTRUCTION CO., INC. at a cost of \$93,613.00 (NINETY THREE THOUSAND SIX HUNDRED THIRTEEN

SENT TO HAVE  
RECORDED 9/13

DOLLARS AND NO CENTS) and that said UTILITY shall provide the necessary labor for inspecting, pressure-testing, disinfection and engineering at a value of \$4,514.00 (FOUR THOUSAND FIVE HUNDRED FOURTEEN DOLLARS AND NO CENTS). Therefore, the total value of said water main system is \$98,127.00 (NINETY EIGHT THOUSAND ONE HUNDRED TWENTY SEVEN DOLLARS AND NO CENTS).

It is further understood and agreed by and between the parties of this contract that said CONTRIBUTOR shall bear the cost of the water main on the basis of a 6" water main, the total cost of which is \$67,579.00 (SIXTY SEVEN THOUSAND FIVE HUNDRED SEVENTY NINE DOLLARS AND NO CENTS) and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR the difference between the cost of material, contractual labor and equipment, as supplied by the Contractor, as referred to above and the contract price of this agreement, said difference being \$26,034.00 (TWENTY SIX THOUSAND THIRTY FOUR DOLLARS AND NO CENTS).

4. It is further understood and agreed by and between the parties of this contract that should any additional party wish to have service connection tap made into this water main within a period of fifteen (15) years from the above date and become a permanent consumer of water on LOTS 5, 6, 7, 8 OR 9 IN SCHOWE'S SUBURBAN ADDITION, OR ON THE EAST SIDE OF AND ADJACENT TO GOSHEN ROAD FROM 40' NORTH OF THE NORTH RIGHT-OF-WAY LINE OF MERCHANT ROAD, TO THE SOUTH PROPERTY LINE OF SCHOWE'S SUBURBAN ADDITION; ALSO, ON THE WEST SIDE OF GOSHEN ROAD FROM THE NORTH PROPERTY LINE OF BLOCK "A" OF EDGEWOOD PARK ADDITION TO THE NORTH PROPERTY LINE OF NORTHBROOK SUBDIVISION they shall apply to said UTILITY for a permit to tap said water main, and shall be required to pay said UTILITY their share of the installation cost in addition to the regular tapping fee, which share shall be \$9.34 (NINE DOLLARS AND THIRTY FOUR CENTS) per front foot.

The money so collected shall be paid to NORTHBROOK DEVELOPMENT, INC..

The Above property is located in the WEST HALF OF SECTION 17, TOWNSHIP 31 NORTH, RANGE 12 EAST (WASHINGTON TOWNSHIP), ALLEN COUNTY, INDIANA.

5. The UTILITY may approve the extension of additional water mains from the water main(s) covered in this CONTRACT without incurring any financial obligations to the CONTRIBUTOR under this contract.

6. It is further understood and agreed that, upon completion of said water main system, the CONTRIBUTOR or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the BOARD OF PUBLIC WORKS of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of acceptance of said system of the CITY and shall be in the minimum amount of \$23,404.00 (TWENTY THREE THOUSAND FOUR HUNDRED FOUR DOLLARS AND NO CENTS).

After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the UTILITY will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the UTILITY, the Board of Public Works will issue a letter of acceptance of the project to the CONTRIBUTOR. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.

WITNESS THE HANDS AND SEALS OF SAID PARTIES, the day and year first above written.


CITY OF FORT WAYNE, INDIANA

BOARD OF PUBLIC WORKS

BY: 

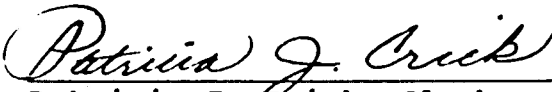
Paul Helmke, Mayor

Charles E. Layton, Director  
Public Works

  
Katherine A. Carrier, Member

  
C. James Owen, Member

ATTEST:

  
Patricia J. Crick, Clerk

APPROVED AS TO FORM AND LEGALITY:

R. David Boyer, Associate  
City Attorney

CONTRIBUTOR: NORTHBROOK DEVELOPMENT, INC.

BY: 

ANDY NORTON, PRESIDENT

ACKNOWLEDGEMENT

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, a Notary Public, in and for said County and State, this 26 day of Aug, 1992, personally appeared the within named PAUL HELMKE, ~~CHARLES E. LAYTON~~, KATHERINE A. CARRIER, C. JAMES OWEN, and PATRICIA J. CRICK, to me personally known, who being by me duly sworn, said that they are respectively MAYOR OF THE CITY OF FORT WAYNE; CHAIRPERSON, MEMBERS AND CLERK OF THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA and that they signed said instrument on behalf of the Fort Wayne Water Utility of the City of Fort Wayne, Indiana, with full authority to do so and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, and affixed my official seal.

Carolyn S. Newport  
Notary Public

CAROLYN S. NEWPORT  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP. JUNE 21, 1995

\_\_\_\_\_  
Printed name of Notary

A resident of \_\_\_\_\_ County.

My commission expires:  
\_\_\_\_\_

**Abstract**

COUNTY OF ALLEN )

10th day of August

**official seal.**

**Notary Public**

Judith A. Burdek

A resident of Allen

**My commission expires:**

June 1, 1996

Read the first time in full and on motion by Long, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on City Affairs (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 10-13-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG				✓
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 10-27-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ ~~(SPECIAL)~~ ~~(ZONING)~~ ORDINANCE ~~RESOLUTION~~ NO. S-188-92 on the 27th day of October, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1992, at the hour of 3:00 o'clock P., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 22 day of November, 1992, at the hour of 9:15 o'clock A, M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



Admn. Appr.

TITLE OF ORDINANCE: Water Contract 9210, Goshen Road and Northbrook Subdivision, Lots 1 - 28 Inclusive.

DEPARTMENT REQUESTING ORDINANCE: Board of Public Works

SYNOPSIS OF ORDINANCE: Water Contract 9210 is to serve Goshen Road and Northbrook Subdivision, Lots 1 - 28 as follows: On Goshen Road from Merchant Road northwesterly to Downey Avenue; also on Goshen Road from Downey Avenue northwesterly 110± L.F.; also on Downey Avenue from Goshen Road westerly to Merlin Drive; also on Merlin Drive from Downey Avenue southerly to Finch Circle; also on Merlin Drive from Finch Circle southerly 110± L.F.; also on Finch Circle from Merlin Drive easterly and northerly to Downey Avenue. Said water line to include: 2625± L.F. of 12", 225± L. F. of 8" and 1,530 ± L. F. of 6" ductile iron water main. Northbrook Development is the contributor and Brooks Construction Company, Inc. is the contractor.

EFFECT OF PASSAGE: Improved water conditions at above location.

EFFECT OF NON PASSAGE:

*J-52-10-23*

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$26,034.00. This is a privately funded water project and the cost listed is a reimbursement for oversizing.

ASSIGNED TO COMMITTEE:

BILL NO. S-92-10-23

REPORT OF THE COMMITTEE ON  
CITY UTILITIES

DAVID C. LONG, CHAIR  
SAMUEL J. TALRAICO, VICE CHAIR  
LUNSEY, BRADBURY

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving WATER CONTRACT  
#9210, GOSHEN ROAD AND NORTHBROOK SUBDIVISION, LOTS 1-28  
INCLUSIVE between NORTHBROOK DEVELOPMENT, CONTRIBUTOR: AND  
BROOKS CONSTRUCTION CO. INC., CONTRACTOR and the City of Fort Wayne,  
Indiana, in connection with the Board of Public Works

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Sam Talario*  
*Bradbury*  
*Lucie House*

DATED: 10-27-92.

Sandra E. Kennedy  
City Clerk